THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.25341 of 2001

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Dated:25.11.2005

Between:

K.Nagabhushanam, S/o. Veera Venkata Krishna,

D.No.58-1-272/2, M.L. Complex, NAD Kotha Road,

Visakhapatnam.

..... PETITIONER

AND

The Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam & another.

.....RESPONDENTS

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ORDER:

The petitioner allegedly purchased 880 Square yards of land in Srinivasa Nagar, Gopalapatnam Village, Visakhapatnam. The property is allegedly comprised in Plot Nos.58 to 61 in Survey No.1/3. It appears, one Sanyasi Naidu obtained building permission being B.A.No.2213/2000/ACP-III, dated 13.02.2001, which was valid up to 12.02.2002. Be that as it is, when the construction is being made on the above plots contrary to building plan, the respondents-Corporation issued notice under Section 452(1) of the Hyderabad Municipal Corporations Act, 1955, calling upon Sanyasi Naidu to submit the explanation to show cause and also directed to remove unauthorized construction. Curiously, Sanyasi Naidu did not file any writ petition, nor joined the petition as co-petitioner. The petitioner, who is allegedly the subsequent purchasor of the plots, assails the notice dated 15.11.2001.

The learned Counsel for the petitioner vehemently contends that the petitioner has submitted explanations to the show cause notice, impugned in the writ petition, and the Corporation cannot be permitted to demolish the structures made by the petitioner on the plots without considering the explanation. **Per contra,** the learned Standing Counsel for the respondents-Corporation submits that the building permission was granted on 13.02.2001 to Sanyasi Naidu, and therefore, if any deviations are made in the constructions of the houses/apartment, it is only Sanyasi Naidu responsible. The petitioner has no *locus standi*.

After perusing all the documents filed along with the writ petition and the counter affidavit, this Court is convinced that the writ petition is barred on the principle of *jus tertii*. Even if the petitioner has purchased the plots and commenced construction on the strength of the building permission granted to Sanyasi Naidu, when the notice is issued to Sanyasi Naidu, it is the latter only who can agitate for redressal and the petitioner has no locus.

The Writ Petition is therefore, dismissed. No costs.

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(V.V.S.RAO, J)

25.11.2005

vs